

13 February 1974

STATINTL

MEMORANDUM FOR: [REDACTED] Office of
Legislative Counsel

SUBJECT : Comments on Draft Letter to Senator Ervin
Regarding S. 1726

1. It would perhaps be appropriate to add a second sentence to the first paragraph of the letter, apologizing for what appears to be a tardy response.

2. The letter in its present form fails to mention Executive Order 11652, which established administrative procedures whereby classified records, unless specifically exempted, are subject to automatic downgrading and declassification; permits members of the public to request the mandatory declassification review of any record which is at least 10 years old; and provides for the declassification of all records after 30 years, unless the head of the originating agency personally vouches for the need for continued classification. The Executive Order is extremely important in relation to the Freedom of Information Act inasmuch as security classified records are excluded by the Act; the Executive Order affords the requester an administrative remedy whereby he can initiate action to secure the declassification of a document which could otherwise be denied him. In this light, the following changes are offered for your consideration:

a. On page 2, paragraph 2, line 1, add "and Executive Order 11652" before the comma at the end of the line. In line 3 of the same paragraph, insert "and the Executive Order" between "Act" and the comma which precedes "however." Delete "extremely," the last word in line 3. (Otherwise, in my opinion, the case is overstated.) In line 6 of the paragraph, in order to clarify the meaning, insert "as the sole criterion" between "alone" and "for."

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b. On page 3, paragraph 2, add a new sentence, to follow the first sentence of the paragraph--"Executive Order 11652, on the other hand, establishes procedures for the declassification of documents according to scheduled downgrading intervals or upon demand."

STATINTL



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